

1904, art. 21, sec. 32. 1888, art. 21, sec. 32. 1860, art. 24, sec. 31. 1856, ch. 154, sec. 116. 1868, ch. 373.

34. An assignment of a mortgage may be made in the following form or to the like effect:

"I hereby assign the within mortgage to the assignee.

"Witness my hand and seal this——day of——.

[SEAL.]"

And such assignment shall be recorded on the record in the office of the clerk of the court where the original mortgage is recorded, and at or near the foot of the said mortgage, in a blank to be left by the clerk who shall record such mortgage.

This section does not affect in any manner the equitable assignment of mortgages by the mere assignment of the mortgage debt. (See, however, article 66, section 25, and notes to article 21, section 31.) *Western Maryland, etc., Co. v. Goodwin*, 77 Md. 281; *Hewell v. Coulbourn*, 54 Md. 63; *Byles v. Tome*, 39 Md. 463.

The act of 1856, ch. 154, sections 116 and 117, provided for a short assignment of mortgage, and gave it validity without requiring it to be recorded. An assignment by separate instrument, however, does not come under the purview of said act. *Lester v. Hardesty*, 29 Md. 54.

Ibid. sec. 33. 1888, art. 21, sec. 33. 1860, art. 24, sec. 32. 1856, ch. 154, sec. 117. 1896, ch. 120. 1898, ch. 49. 1898, ch. 275. 1898, ch. 501. 1900, ch. 81. 1902, ch. 26. 1902, ch. 102.

35. Every assignment made in the above form, or the same in substance, endorsed upon the original mortgage, shall be construed and deemed sufficient to convey to the assignee every right which the assignor possessed under said mortgage at the time of the assignment thereof, in as full and ample a manner as any instrument of writing whatever could do. But no assignment of any mortgage executed since March 27, 1902, except for the purpose of foreclosure, shall be valid, except as between the parties thereto, unless there be endorsed thereon the following oath or affirmation, to wit: "that the assignee has not required the mortgagor, his agent or attorney, or any person for the said mortgagor, to pay the tax levied upon the interest covenanted to be paid in advance, nor will he require any tax levied thereon to be paid by the mortgagor or any person for him during the existence of this mortgage." This oath or affirmation may be made by any agent or attorney of the assignee, who shall, in addition thereto, make oath or affirmation that he is the agent or attorney of the assignee, and said oath or affirmation shall be recorded with the assignment.*

The registration act does not affect the principle that the assignee of a mortgage takes it subject to all the equities and defenses to which it was subject in the hands of the assignor. *Cumberland Coal, etc., Co. v. Parish*, 42 Md. 614.

See notes to sections 32, 34 and 52.

See art. 81, sec. 190.

*The mortgage tax has now been repealed except as to certain counties—see art. 81, sec. 187, *et seq.*